

# City Council Agenda

Council President  
Blong Xiong

Councilmembers

Oliver L. Baines III  
Lee Brand  
Steve Brandau – Acting President

Paul Caprioglio  
Clinton J. Olivier  
Sal Quintero

City Manager  
Mark Scott

City Clerk  
Yvonne Spence, CMC

City Attorney  
Douglas T. Sloan

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## March 21, 2013

### 1:30 P.M. ROLL CALL

Invocation by Pastor Terry Townsend of Peoples Church

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

Invitation by El Concilio de Fresno, Inc. to attend the 13<sup>th</sup> annual Cesar E. Chavez Day to be held at the William Saroyan Theatre on March 22, 2013 – Councilmember Quintero – Invitations extended

1. Proclamation of “CESAR E. CHAVEZ DAY” – Councilmember Quintero – **Read and presented**

Proclamation of “MCLANE HIGH TARTAN THEATRE COMPANY DAY” – Councilmember Olivier – **Read and presented**

Proclamation of Appreciation to Interim City Attorney Francine Kanne – **Read and presented**

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [March 7](#) and [March 14, 2013](#)

**Action Taken:** Approved

Councilmember Reports and Comments

**Action Taken:** Made

Approve Agenda

**Action Taken:** Approved, as amended

Adopt Consent Calendar

**Action Taken:** Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. [Approve Smarter Cities Challenge Grant Agreement with International Business Machines Corporation \(IBM\) in the estimated amount of \\$400,000 in services and expenses, and authorize the City Manager or his designee to execute the agreement on behalf of the City – Information Services Department](#)  
**Action Taken:** Approved
- B. [Approval of second amendment to the Master Agreement for the use of Fresno Irrigation District canals for disposal of storm waters - Department of Public Utilities](#)  
**Action Taken:** Approved
- C. \* [RESOLUTION - 45th amendment to the Annual Appropriation Resolution \(AAR\) No. 2012-125 appropriating \\$13,500 from a Foundation for Youth Investment grant in the Parks, After School, Recreation and Community Services Department for the Life and Environmental Science Program \(\*\*\*Requires 5 affirmative votes\*\*\*\) – PARCS Department](#)  
**Action Taken:** Resolution No. 2013-33 adopted
- D. [Adopt a Finding of Conformity to the Master Environmental Impact Report \(MEIR\) No. 10130 prepared for the 2025 Fresno General Plan, as filed with the County of Fresno for the construction of eastbound Herndon Avenue widening from Brawley Avenue to Blythe Avenue, Environmental Assessment No. EA-13-004 \(\*\*\*Property located in District 2\*\*\*\) – Public Works Department](#)  
**Action Taken:** Adopted
- E. [Approve the acquisition of a public street easement from a portion of one \(1\) parcel \(APN 458-080-56\) of property owned by Innovative Properties & Development, LLC, in the amount of \\$13,000 for the construction of a new street from Hughes/West Diagonal Avenue north of State Route 180 to Marks Avenue and along the N. Hughes Avenue for the installation of traffic signals, street lights, sidewalks, curb and gutter, drive approaches, water lines, sewer lines, and storm drain \(\*\*\*Project located in District 3\*\*\*\) – Public Works Department](#)  
**Action Taken:** Approved
- F. [Consideration of approval of Measure "C" Cooperative Project Agreement for Herndon Avenue widening between Polk Avenue and Milburn Avenue \(\*\*\*Project located in District 2\*\*\*\) – Public Works Department](#)  
**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- G. Approve Amendment No. II to the August 25, 2011, \$1.4 million HOME Investment Partnerships Program Community Housing Development Organization Agreement with the King of Kings Housing Development Corporation to assign ownership of the proposed Bridges at Florence development, a 34-unit affordable senior housing project to be located at 649 E. Florence Avenue (APN: 478-113-27) in southwest Fresno to the Bridges at Florence, LP (*Property located in District 3*) – Development and Resource Management Department  
**Action Taken:** Approved
- H. Approve the appointments of Megan Bohigian, Karen Marguth, and Peter McDonald to the Fresno Poet Laureate Selection Committee – Mayor's Office  
**Action Taken:** Approved
- I. Approve City Attorney employment contract - Council Offices  
**Action Taken:** Approved

**CONTESTED CONSENT CALENDAR**

2. **GENERAL ADMINISTRATION**

- A. Actions pertaining to the Fresno City Hall (H.V.A.C.) controls upgrade project (*Property located in District 3*) – Public Works Department
1. **RESOLUTION** - Authorizing the Director of Public Works or designee to specify Johnson Control System, without substitution, for the City Hall facilities that require a Direct Digital Controls/Energy Management System (DDC/EMS) under the sole source exception without an or equal language in the specifications
  2. Adopt finding of Categorical Exemption, pursuant to Article 19, Section 15300/Class 1 (existing facility) of the CEQA Guidelines, for the construction of the Fresno City Hall heating, ventilation and air conditioning (H.V.A.C.) controls upgrade project
  3. Award a construction contract in the amount of \$350,204, including the base bid plus add alternate 2 to EMCOR / Mesa Energy Systems of Fresno, California, for the construction of the Fresno City Hall H.V.A.C. controls upgrade project  
**Action Taken:** \_ Removed from the agenda

## 2. **GENERAL ADMINISTRATION CONTINUED**

- B. Adopt a CEQA finding of Categorical Exemption, approve a Sole Source resolution and authorize contracts with Air-Transport IT Services, Inc. to provide common use airline passenger processing software and equipment at the terminal gates, and maintenance and technical support for all common use facilities at Fresno Yosemite International Airport – Airports Department
1. Adopt CEQA Categorical Exemption pursuant to Guidelines Section 15301 (Existing Facilities) to authorize contracts with Air-Transport IT Services, Inc. to provide common use airline passenger processing software and equipment at the terminal gates, and maintenance and technical support for all common use facilities at Fresno Yosemite International Airport  
**Action Taken: Adopted**
  2. **RESOLUTION** – To authorize contracts with Air-Transport IT Services, Inc. for expansion of the common use airline system to passenger boarding gates, and support of all existing and proposed AirT Systems at Fresno Yosemite International Airport (FYI) without utilizing competitive bidding – Airport Department  
**Action Taken: Resolution No. 2013-34 adopted**
  3. Authorize the Interim Director of Aviation to execute a contract between the City of Fresno and Air-Transport IT Services, Inc. to provide common use airline passenger processing software and equipment at the terminal gates in the amount of \$401,851  
**Action Taken: Authorized**
  4. Authorize the Interim Director of Aviation to execute a five-year contract between the City of Fresno and Air-Transport IT Services, Inc. to provide maintenance and technical support for all existing and proposed common use facilities at Fresno Yosemite International Airport in the amount of \$1,916,575, to be paid in five (5) equal annual installments  
**Action Taken: Authorized**
- C. Adopt the Environmental Finding of Environmental Assessment No. EA-13-02, approving a Mitigated Negative Declaration for the construction of Martin Ray Reilly Park (***Property located in District 7***) - PARCS  
**Action Taken: Adopted**
- D. Approve Amendment No. I to the September 29, 2011, HOME Investment Partnerships Program Agreement with Redding Retirement Housing Corp. to: **1)** increase the HOME Program loan from \$750,000 TO \$990,000, **2)** extend the completion date from August 1, 2014 to December 29, 2014, and **3)** Assign the HOME Agreement to Sierra Gateway Senior Residence II as the new entity to construct the 68-unit affordable senior housing project to be located at the southwest corner of W. San Jose and N. Marty Avenue (APN: 415-044-59) in northwest Fresno - Development and Resource Management Department  
**Action Taken: Continued to 3/28/2013**

## 3. **CITY COUNCIL**

### **SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 1:30 P.M. **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 48 (Final Tract Maps No. 6003 and 6004) (Southeast corner of E. Copper and N. Maple Avenues) (***Property located in District 6***) – Public Works Department  
**Action Taken: Held**
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax  
**Action Taken: Resolution No. 2013-35 adopted**
  - b. **RESOLUTION** – Calling a special mailed-ballot election  
**Action Taken: Resolution No. 2013-36 adopted**
  - c. **RESOLUTION** – Declaring election results  
**Action Taken: Resolution No. 2013-37 adopted**
  - d. \* **BILL** – Levying a special tax for the property tax year 2012-2013 and future years with and relating to Community Facilities District No. 11, Annexation No. 48  
**Action Taken: Bill No. B-9/Ordinance No. 2013-9 adopted**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 1:45 P.M. **CONTINUED HEARING** to consider formation of Underground Utility District No. FRE-92 on the north side of Nees Avenue from 0.2 miles west of Willow Avenue to Willow Avenue – *(Property located in District 6)* - Public Works Department  
**Action Taken:** Held
- A. **RESOLUTION** – Establishing Underground Utility District No. FRE-92 along the north side of Nees Avenue from 0.2 miles west of Willow Avenue to Willow Avenue  
**Action Taken:** Resolution No. 2013-38 adopted

## **2:00 P.M. CLOSED SESSION**

- A. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6  
**City Negotiator(s):** Bruce Rudd, Ken Phillips  
**Employee Organizations:**
1. IUOE, Stationary Engineers, Local 39 (L39)
  2. Fresno City Employees Association (FCEA)
  3. Fresno Police Officers Association (FPOA Basic)
  4. International Association of Firefighters, Local 753 (Fire Basic)
  5. Amalgamated Transit Union, Local 1027 (ATU)
  6. International Brotherhood of Electrical Workers, Local 100 IBEW)
  7. Fresno Police Officers Association (FPOA Management)
  8. International Association of Firefighters, Local 753 (Fire Mgmt)
  9. City of Fresno Professional Employees Association (CFPEA)
  10. City of Fresno Management Employees Association (CFMEA)
  11. Fresno Airport Public Safety Supervisors (FAPSS)
- Action Taken:** Removed from the agenda
- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. City of Fresno v. County of Madera; Board of Supervisors of the County of Madera; Tesoro Viejo, Inc. Real Party in Interest; Tesoro Viejo Master Mutual Water Company, Real Party in Interest; and Rio Mesa Holding, LLC, Real Party in Interest; Madera County Superior Court Case No. MCV062180  
**Action Taken:** Held

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 2:30 P.M. **WORKSHOP** relating to Government Affairs - Mayor's Office – Removed from the agenda
- 3:00 P.M. **WORKSHOP** relating to proposed project in the Millerton Specific Plan Area presented by Granville Homes – Council President Xiong - Held

**PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING**

**UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

#### **SCHEDULED COUNCIL HEARINGS AND MATTERS**

**Mar- 28- 10:00 A.M. HEARING** re: Rezone R-09-012 for approval of a 10-story building at Friant/41

**Apr. 4 - NO MEETING – EASTER BREAK**

**May 2 - 10:00 A.M. HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 4 (Final Parcel Map No. 2008-13) **(Council District 2)** (northwest corner of W. Herndon Avenue and N. Riverside Drive)

**May 9 - NO MEETING - RECESS**

**May 16 - 1:30 P.M. HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 4 (Final Parcel Map No. 2006-20) (N. Figarden Drive and N. Gates Avenue) **(Property located in District 2)**

#### **UPCOMING EMPLOYEE CEREMONIES**

**April 24 (Weds) 2:00 P.M.** Presentation of Employee Service Awards - Council Chambers – **(Reception immediately following - 2<sup>nd</sup> floor foyer)**

**May 23 - 8:30 A.M.** Presentation of P.R.I.D. E. Team Certificates for the spring quarter **(Reception immediately following - 2<sup>nd</sup> floor foyer)**